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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,133	02/28/2002	Lon Klein	30103/00301	3618

7590 12/28/2005

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EXAMINER

DUONG, THANH P

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,133

Applicant(s)

KLEIN, LON

Examiner

Tom P. Duong

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 18, 20, 23-27 and 66-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 18, 20, 23-27 and 66-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's remarks and amendments filed on October 12, 2005 have been carefully considered. Claim 67 has been amended. Claims 1, 18, 20, 23-27, and 66-69 remain pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneebeli (5,624,329) in view of Schmidt et al. (5,165,688). Schneebeli discloses a putter (Figs. 1-5) comprising: a grip (Fig. 2A) having an anatomically correct shape to promote proper grasping of the putter; a shaft (14) having a first end and a second end, wherein the grip is attached to the first end of the shaft; a hosel (18) attached to second end of the shaft; a head (10) attached to the hosel, the head having a striking face (30). Schneebeli fails to show an alignment feature preventing the head from rotating relative to the hosel and the shaft, the alignment feature including a shaped portion of the hosel insertable into a complementing shape opening of the head so that the head.

Schneebeli appears to show alignment feature preventing the head from rotating

relative to the hosel and the shaft as shown in Figures 4, 5, and 7. Schmidt makes it clear that a putter (Col. 1, lines 38-43) with a hosel 23 is tapered and is inserted into the oval socket 14 of the head (Figs. 1, 4 and 7-8) and such configuration provides a tighter fit for the shaft in the bore, upon axial assembly (Col. 1, lines 30-35). Thus, it would have been obvious in view of Schmidt '688 to one having ordinary skill in the art to modify golf club of Schneebeli with a hosel and its complementing shaped opening of the head as taught by Schmidt in order to provide a tighter fit for the shaft in the hosel, which improves feedback sensing to the player upon ball impact.

2. Claims 1, 18, 23-24, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stecher (2,926,913) in view of Hardness (1,677,099). Regarding claims 1, 23-24, and 66, Stecher discloses a putter (Fig. 2 and Col. 2, lines 43-47) comprising: a grip (11); a shaft (10) having a first end and a second end; a head (14) attached to the hosel (13), the head having a striking face (17) with center point of percussion (contact point P, Col. 2, lines 50-57); and an alignment feature (Col. 2, lines 50-57) of the putter permitting assembly of the head onto the hosel (13) only in an operable position wherein a centerline (centerline B-B) of the shaft and the striking face (17) of the head have at least one point (centerline B-B intersect with contact point P) in common. Stecher fails to disclose a grip having an anatomically correct shape to promote proper grasping of the putter and the handle is oriented in a selected direction when gripped. Hardness teaches the handle 22 with substantially semi-elliptical shape and the flat surface of the handle snugly fit into the hands of a player and provide a firm

grip (page 1, lines 39-51) and the handle also provides proper positioning of the club. Thus, it would have been obvious in view of Hardness to modify the grip of Stecher with the grip configuration of Hardness to provide a player with a firm grip and facilitate the positioning and orientation of the club head. Regarding claim 18, it is conventional for golf club manufacturers to fabricate the club parts with polymer material and composite material and it would have been obvious in to do so here for its structural strength, light weight construction, and eased in molding. Regarding claim 24, Stecher discloses a parallax collimating device (Col.2, lines 49-72) of the head for visually indicating to the golfer when a preferred stance is maintained.

3. Claims 20 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied references (Stecher '913 in view of Hardness '099) as applied to claims 1 and 23 above, and further in view of Karns (3,075,768) and Florian (3,679,207) and Simmons (5,489,097). Regarding claims 20 and 25, the applied references (Stecher '913 in view of Hardness '099) fail to show a first balancing weight disposed in the grip and a second balancing weight disposed in the head. Karns teaches a golf club head with weight inserted in the grip to provide proper balance in the golf club (Figs. 1 and 4, Col. 1, lines 9-25). Likewise, Florian teaches a weight 15 is added to the upper end of the handle 16 to provide a balanced putter (Col. 1, lines 71-75). Simmons teaches the solid weights 40 and 41 are inserted in the putter head (Fig. 5) to reduce the incidence of gyration and reduce vibrations and provide a balanced putter (Col. 3, lines 62-67). Thus, it would have been obvious in view of Karns and/or Florian and Simmons to one

having ordinary skill in the art to modify the putter head of the applied references with weight disposed in the grip portion as taught by Karns and/or Florian to provide a balanced putter head and weight disposed in the putter head as taught by Simmons in order to reduce twisting of the putter head, reduce vibrations, and provide a balanced putter head. Regarding claim 26, the modification of the putter head of the applied references in view Simmons (weights 30, 40, 41) facilitates the adjustment of the center of gravity along the three axis. Regarding claim 27, the modification of the putter head of the applied references (Johnson '054 in view of Hardness '099) in view Simmons provides a balanced putter system.

Response to Arguments

Applicant's arguments filed 10/12/05 have been fully considered but they are not persuasive. (1) With respect to Applicant's argument that Schneebeli fails to teach or suggest "an alignment feature preventing the head from rotating relative to the hosel and the shaft, the alignment feature including a shaped portion of the hosel insertable into a complementing shaped opening of the head," Examiner respectfully disagrees. As described above, Schneebeli discloses an alignment feature where the shaft and the hosel is uniquely aligned with the club head (Figure 7 and Col. 3, lines 38-49). Schmidt makes it clear that the golf club has particular oval hosel shaped, insertable into the head to provide a tighter fit. (2) the new ground of rejection replaces the Johnson '054 reference with Stecher '913 reference, and the argument with respect to Johnson

reference is moot. Stecher '913 discloses "an alignment feature of the putter permitting assembly of the head onto the hosel only in an operable position wherein a centerline of the shaft and the striking face of the head have at least one common point.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P. Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Duong
December 13, 2005
TD




Glenn Caldarola
Supervisory Patent Examiner
Technology Center 1700